IN THE UNITED STATES

PATENT AND TRADEMARK OFFICE

APPLICANT(S):	Michael Saucier, *et al.*
APPLICATION NO.:	10/055,870
FILING DATE:	January 21, 2002
TITLE:	System and Method for Facilitating Transactions Between Product Brand Manager and Manufacturing Organizations
EXAMINER:	Jonathan P. Ouellette
GROUP ART UNIT:	3629
ATTY. DKT. NO.:	16239-07171

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REPLY BRIEF

This Reply Brief is responsive to the Examiner's Answer mailed June 23, 2008.

The Examiner has failed to establish the required *prima facie* case of obviousness required to sustain the rejection of the appealed claims.

Claim 1 includes, in part, "determining from the received product brand information and the received information about the manufacturing process capabilities of the manufacturing organizations a set of candidate manufacturing organizations for the product

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brand, the determination made without providing the product brand information to the manufacturing organizations or the manufacturing process capabilities to the product brand manager".

In Radjy, an AEC specifies a <u>particular</u> concrete manufacturer's products. (Radjy at [0129].) The AEC then converts the concrete specifications into an XML format and publishes the specifications on the Internet. Next, "[t]he AEC then <u>selects a concrete supplier</u> 508 based on these specifications and the geographic location of where the concrete is needed" (*Id.* at [0130]) (emphasis added).

The AEC can "utilize the concrete exchange system to locate the necessary suppliers for his concrete on his own" (*Id.* at [0130]), or can post a request for information. <u>After</u> the AEC has selected a manufacturer of its choosing, a set of particular mixes and brands used by the selected manufacturer are then determined according to what is appropriate to the AEC's project needs. (*Id.* at [0132].)

The Examiner has admitted that Radjy does not disclose "determining a set of candidate manufacturing organizations for the product brand . . . without providing the product brand information to the manufacturing organizations, or the manufacturing process capabilities to the product brand manager," as claimed. (Answer, pp. 4, 6.) The Examiner attempts to overcome this missing element by arguing that 1) Radjy discloses saving manufacturer capabilities and AEC project specification needs in a database; and 2) that automating a previously manual activity does not avoid the prior art. (*Id.*). Therefore, according to the Examiner, "it would have been obvious…to automate the matching step because this would speed up the process of matching designers (AEC) with manufacturers…"

Even if both of the Examiner's asserted points were correct[1], neither addresses the element admitted by the Examiner to be missing from the reference. In Radjy, the AEC sorts through the concrete exchange system to locate suppliers of interest. Necessarily, the AEC is reviewing details of the manufacturers' production abilities in order to select which are of interest. Alternatively, the AEC can post a request for information (RFI) that is converted into a concrete exchange-based format and provided to the manufacturers. In both cases, information from one party is being shared with one or more of the other parties, either about production needs or production capabilities.

Radjy therefore does not determine the set of candidate manufacturing organizations "without providing the product brand information to the manufacturing organizations or the manufacturing process capabilities to the product brand managers," as claimed. The claimed method preserves sensitive information of the parties in greater confidence, and rather than being "merely an automatic means to replace a manual activity," the claim patentably distinguishes over Radjy.

Dependent claims 2-77 are also patentable over Radjy, both because each recites its own patentable features, and because each depends from patentable claim 1.

Independent claim 84 is similarly patentable over Radjy. As discussed above with respect to claim 1, Radjy does not disclose a "transactional computer system adapted to . . . make the selection of the at least one candidate manufacturing organization without providing the product brand information to the manufacturing organizations or the manufacturing organization information to the product brand manager" as claimed. Accordingly, claim 84 is patentable over Radjy.

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[1] For example, Radjy does not disclose storing AEC project needs in data repositories, as he asserts. The data repositories described by Radjy are used for the purpose of storing manufacturer submitted specifications, basemixes, production mixes, etc. *See* Radjy, [0132].

The rejection of claims 1-77 and 84 should therefore be reversed.

Respectfully submitted,
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Dated: <u>August 25, 2008</u>   By: <u>/Daniel R. Brownstone 46,581/</u>
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